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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/647,915
Filing Date: August 26, 2003
Appellant(s): ROESNER, ARLEN L.

James L. Baudino, Reg. No. 43,486
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 1, 2005 appealing from the Office action mailed June 2, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Patent No.	Inventor	Patent Date
U.S. 5,481,481	Siahpolo et al.	01-1996

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,481,431 to Siahpolo et al. ("Siahpolo" hereinafter). Referring to claim 1, Siahpolo discloses a drive loading system comprising a chassis (60) adapted to receive at least one drive (6), and a carrier (10/12) adapted to support insertion of the drive into the chassis in a first direction (↓), see Figs 8A-8B and col. 5, lines 36-58, the carrier (10/12) further adapted to move the drive (6) in a second direction (←), see Figs. 8C-8D and col. 6, lines 7-19, transversely (i.e., "at a right angle" or "crosswise orientation") relative to the first direction to engage the drive (6) with a socket (69), see Fig. 7. Siahpolo also discloses the carrier (10/12) adapted to support insertion of the drive (6) into the chassis (60) in a transverse direction coplanar with the first (↓) and second (←) directions. As shown in Figs. 8A-8S, the plane of movement in the first (↓) and second (←) directions is along the face of the sheet of the drawings shown in Figs. 8A-8D. This movement is coplanar with the transverse orientation (i.e., right angle or crosswise) insertion of the ***side***

surface of the drive into the chassis, since the movement of the side surface of the drive is also along the face of the sheet of the drawings shown in Figs. 8A-8D.

Referring to claim 2, Siahpolo discloses a drive loading system, further comprising a guide (80) adapted to align the drive (6) with the socket (69). See col. 6, lines 20-24.

Referring to claim 3, Siahpolo discloses a drive loading system, further comprising a guide (80) adapted to align the drive (6) with the socket (69) before movement of the drive in the second direction. See col. 5, lines 47-57.

Referring to claim 4, Siahpolo discloses a drive loading system, wherein the carrier (10/12) comprises an actuator (40) adapted to move the drive (6) in the second direction. See col. 6, lines 7-19.

Referring to claim 5, Siahpolo discloses a drive loading system, wherein the carrier (10/12) comprises an actuator (40) adapted to disengage the drive (6) from the socket (69). See col. 6, lines 34-42.

Referring to claim 6, Siahpolo discloses a drive loading system, wherein the carrier (10/12) comprises an actuator (40) adapted to cooperate with the chassis (60) to move the drive (6) in the second direction. See Figs. 8C-8D.

Referring to claim 7, Siahpolo discloses a drive loading system, wherein the first direction (i.e., vertical) is perpendicular to the second direction (i.e., horizontal). See Figs. 8A-8D.

Referring to claim 8, Siahpolo discloses a drive loading system, wherein the carrier (10/12) is adapted to support the drive (6) in the chassis (60) after engagement of the drive with the socket (69). See col. 6, lines 24-33.

Referring to claim 9, Siahpolo discloses a drive loading system, wherein the chassis (60) comprises a guide rail (74) adapted to restrict movement of the drive (6) in the second direction until alignment of the drive with the socket (69). See col. 5, lines 47-54.

Referring to claim 10, Siahpolo discloses a drive loading system, wherein the carrier (10/12) comprises an actuator (40) adapted to move the drive (6) in the second direction after insertion of the carrier into the chassis a predetermined distance. See Figs. 8A-8B.

Referring to claim 11, Siahpolo discloses a drive loading system, comprising means (74) for receiving a drive (6) in a first direction (↓), (see Figs. 8A-8B), and means (80) for supporting insertion of the drive (6) into the receiving means (74) in the first direction (i.e., vertical direction), the supporting means (80) adapted to move the drive in a second direction (←) transversely relative to the first direction (i.e., horizontal direction) to engage the drive (6) with a socket (69), the supporting means (80) adapted to support insertion of the drive (i.e., ***the side surface of the drive***) into the chassis in a transverse orientation coplanar with the first and second directions. See Figs. 8A-8D.

Referring to claim 12, Siahpolo discloses a drive loading system, further comprising means for aligning (86) the drive (6) with the socket (69). See col. 6, lines 20-24.

Referring to claim 13, Siahpolo discloses a drive loading system, further comprising means to restrict movement (36) of the drive (6) in the second direction until insertion of the drive a predetermined distance into the receiving means (74). See col. 6, lines 20-24.

Referring to claim 14, Siahpolo discloses a drive loading system, wherein the supporting means (80) comprises means for disengaging the drive from the socket. See col. 6, lines 34-42.

Referring to claim 15, Siahpolo discloses a drive carrier comprising at least one support member (10) adapted to support insertion of a drive (6) into a chassis (60) in a first direction (↓), (i.e., vertical direction), and an actuator (40) coupled to the at least one support member (10), the actuator adapted to move the drive (6) in a second direction (←), (i.e., horizontal direction), transversely relative to the first direction to engage a socket (69) within the chassis, the at least one support member (10) adapted to support insertion of the drive (i.e., ***the side surface of the drive***) into the chassis in a transverse orientation coplanar with the first and second directions. See Figs. 7 and 8A-8D.

Referring to claim 16, Siahpolo discloses a drive carrier, wherein the actuator (40) is further adapted to move the drive (6) in a direction opposite the second direction to disengage the drive from the socket. See col. 6, lines 34-42.

Referring to claim 17, Siahpolo discloses a drive carrier, wherein the second direction is perpendicular to the first direction. See Figs. 8A-8D.

Referring to claim 18, Siahpolo discloses a drive carrier, further comprising a locking element (34) adapted to releasably secure the actuator (40). See Fig. 2 and col. 6, lines 24-33.

Referring to claim 19, Siahpolo discloses a drive carrier, wherein the actuator (40) is adapted to cooperate with a portion (82) of the chassis (60) to move the drive in the second direction. See Figs. 7 and 8B.

Referring to claim 20, Siahpolo discloses a drive carrier, wherein the actuator (40) comprises an arm pivotally coupled to the at least one support member (24) and adapted to engage the drive (6) to move the drive in the second direction. See Figs. 8A-8D.

(10) Response to Argument

A. Standard

1. 35 U.S.C. § 102

With respect to Appellant's arguments on page 3 of the Appeal Brief, the same have been fully considered but they are not persuasive, since each and every element as set forth in the claim is found in prior art reference U.S. Patent No. 5,481,431 to Siahpolo et al. ("Siahpolo" hereinafter). See the above rejection to the claims.

B. Argument

1. Claims 1-14

With respect to Appellant's arguments on pages 4-7 of the Appeal Brief, the same have been fully considered but they are not persuasive. Regarding claim 1, as indicated in the above claim rejections, the Examiner does not dispute that the drive of Siahpolo is loaded from the top of the chassis in a first direction (↓) and then moved to contact the socket in a second direction (←), as shown in Figs. 8A-8D. Appellant's argument relating to the "carrier adapted to support insertion of the drive in the chassis in a transverse orientation coplanar with the first and second directions" does not take into account the fact that movement of the **side surface of the drive** into the chassis is in a transverse orientation coplanar with the first and second directions. It is noted the Appellant fails to specify which surface of the drive is moved into the chassis in a transverse orientation coplanar with the first and second directions. Appellant's movement is co-planar to the bottom surface of the drive. The movement of Siahpolo is coplanar to the side surface of the drive (see Fig. 7).

Regarding claim 11, as indicated above in connection with claim 1, Siahpolo discloses support means adapted to move the drive in a second direction (←) traversely relative to a first direction (↓) and to support insertion of **the side surface of the drive** into the chassis in a transverse orientation coplanar with the first and second directions. As discussed above, Appellant fails to specify which surface of the drive is moved into the chassis in a transverse orientation coplanar with the first and second directions. Appellant's movement is co-planar to the bottom surface of the drive. The movement of Siahpolo is coplanar to the side surface of the drive (see Fig. 7).

2. Claims 15-20

With respect to Appellant's arguments on page 7-8 of the Appeal Brief, the same have been fully considered but they are not persuasive. Regarding claim 15, as indicated above in connection with claim 1, the at least one support member of Shiapolo is adapted to support insertion of **the side surface of the drive** into the chassis in a transverse orientation coplanar with the first and second directions (see Figs. 7 and 8A-8D). As discussed above, Appellant fails to specify which surface of the drive is moved into the chassis in a transverse orientation coplanar with the first and second directions. Appellant's movement is co-planar to the bottom surface of the drive. The movement of Siahpolo is coplanar to the side surface of the drive (see Fig. 7).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Anthony Q. Edwards

Conferees:

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